

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

Robbie S. Self

Petitioner

No. 96A-053-INS

STATE OF ARIZONA
RECEIVED

RECOMMENDED DECISION JUN 21 1996
OF ADMINISTRATIVE
LAW JUDGE

DIRECTOR'S OFFICE
INSURANCE DEPT.

HEARING: June 10, 1996

APPEARANCES: Assistant Attorney General Michael J. De La Cruz on behalf
of the Arizona Department of Insurance

ADMINISTRATIVE LAW JUDGE: Richard N Blair

On June 10, 1996, a hearing took place in the above-captioned matter.
Assistant Attorney General Michael J. De La Cruz appeared on behalf of the Arizona
Department of Insurance ("Department"). Robbie S. Self ("Mr. Self") did not appear at
the hearing.

Based upon the entire record, including all pleadings, motions, testimony, and
exhibits, Administrative Law Judge Richard N. Blair prepared the following
recommended Findings of Fact, Conclusions of Law, and Recommended Order for
consideration by the Director of the Department ("Director").

FINDINGS OF FACT

1. On September 13, 1995, Mr. Self submitted an application for an
individual life insurance agent license ("Application") to the Department. Mr. Self was
issued a conditional license in connection with his Application upon Mr. Self's execution
of an Agreement for Conditional License.

2. Mr. Self answered "NO" to Question F(1) of the Application which asks,
"Have you EVER been convicted of a misdemeanor?"

3. Mr. Self answered "NO" to Question F(3) of the Application which asks,
"Have you EVER been arrested, questioned, served a criminal summons, taken into
custody, charged with, tried for, or ever been the subject of an investigation concerning

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1 the violation of any felony or misdemeanor, or are any charges now pending against
2 you?"

3 4. On December 3, 1991, Mr. Self was arrested and charged with three counts
4 of Injuring or Tampering With Vehicle in violation of General Statute § 20-107(b) in the
5 Mitchell County District Court, Bakersville, North Carolina, Case Nos. 91Cr1384,
6 91Cr1385, and 91Cr13886.

7 5. On January 31, 1992, Mr. Self pled guilty to three counts of Injuring or
8 Tampering With Vehicle in violation of General Statute § 20-107(b), a misdemeanor, in
9 State of North Carolina v. Robbie Steven Self, Mitchell County District Court,
10 Bakersville, North Carolina, Case Nos. 91Cr1384, 91Cr1385, and 91Cr13886. The Court
11 suspended imposition of sentence, placed Mr. Self on two years probation and ordered
12 Mr. Self to pay probation fees of \$60.00 per month. The Court further ordered that Mr.
13 Self pay \$176.67 in restitution; pay court costs of \$155.00; and complete 300 hours of
14 community service. On July 20, 1992, the Court entered an Order transferring Mr. Self to
15 unsupervised probation. The Court discharged Mr. Self from the suspended sentence on
16 January 30, 1994.

17 6. On March 18, 1996, the Department revoked the conditional license issued
18 to Mr. Self and denied the Application based upon Mr. Self's material misrepresentation of
19 his criminal background on his Application.

20 7. On April 5, 1996, Mr. Self timely filed with the Department a demand for
21 hearing concerning this matter.

22 8. Mr. Self failed to disclose on his Application that he was arrested, charged,
23 and convicted in Case Nos. 91Cr1384, 91Cr1385, and 91Cr1386 as set forth above in
24 paragraphs 4 and 5.

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CONCLUSIONS OF LAW

1. Mr. Self received notice of this proceeding as prescribed by A.R.S. § 20-163 and 41-1061.

2. The Director has jurisdiction over this matter pursuant to A.R.S. § 20-161 and 20-290.

3. Mr. Self failed to sustain his burden of proof that the Application should be granted.

4. The Director may refuse to issue Mr. Self an insurance license if, after hearing, the Director finds that Mr. Self 's above-mentioned conduct constitutes a material representation or fraud in the application for or attempt to obtain any insurance license pursuant to A.R.S. § 20-290(B)(1).

5. Mr. Self's conduct as described above in the Findings of Fact constitutes a material misrepresentation in the application for, or attempt to obtain any insurance license within the meaning of A.R.S. § 20-290(B)(1).

RECOMMENDED ORDER

The undersigned Administrative Law Judge recommends that the application for an individual life insurance agent license submitted on September 13, 1995, by Robbie S. Self to the Arizona Department of Insurance be denied,

Dated this 20th day of June, 1996.

OFFICE OF ADMINISTRATIVE HEARINGS



Richard N Blair
Administrative Law Judge

Original transmitted by mail

on June 20, 1996 :

By: Chris Crawford ; to:

Chris Herstam, Director

Department of Insurance

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